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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 RAUL PAYAN,

11 Plaintiff,

No. CIV S-03-2556 GEB JFM P

12 vs.

13 THERESA SCHWARTZ, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to
17 42 U.S.C. § 1983. On February 17, 2006, plaintiff filed a request for an extension of ninety days
18 in which to file and serve an opposition to defendants' February 1, 2006 motion for summary
19 judgment. That request was granted by order filed March 8, 2006. Plaintiff has now filed a
20 request for reconsideration by this court of its ruling on his February 17, 2006 request. Plaintiff
21 seeks a specific ruling on that aspect of his request that sought an order requiring defendants to
22 depose plaintiff's proposed inmate witness, Escalante, and to provide plaintiff with a copy of the
23 transcript of said deposition, and that sought to compel defendants to provide a further response
24 to a request for production of documents apparently propounded by plaintiff to learn inmate
25 Escalante's "true name and prison ID number" so that he might contact said inmate to be a
26 witness in this matter.

1 In accordance with the scheduling order filed June 3, 2005, discovery closed in
2 this action on September 23, 2005. Plaintiff did not timely file a motion to compel the discovery
3 he now seeks. Moreover, the discovery request to which plaintiff now seeks a further response
4 sought a "CDC-154 Bed Move slip with inmate Escalante's transfer to P-3 Ad/Seg between
5 October 1 through 8, 2003." (Ex. A to Plaintiff's Rule 56(f) Request, filed February 17, 2006.)
6 Defendants objected to the request on the grounds that the information sought was not relevant or
7 "reasonably calculated to lead to the discovery of admissible evidence" and that "information in
8 the case records of inmates may not be accessed by other inmates or parolees pursuant to Title
9 15, California Code of Regulations, Section 3370." (Id.) Plaintiff has made no showing
10 defendants' response to the discovery request at issue was inadequate. Finally, defendants are
11 not required to depose plaintiff's proposed witnesses for purposes of aiding plaintiff in the
12 preparation of his case-in-chief.

13 For all of the foregoing reasons, plaintiff's request for an order compelling
14 discovery will be denied.

15 In accordance with the above, IT IS HEREBY ORDERED that:

- 16 1. Plaintiff's April 14, 2006 request for reconsideration is granted; and
17 2. Upon reconsideration, plaintiff's request to compel defendants to depose
18 inmate Escalante and to provide a further response to his request for production of documents is
19 denied.

20 DATED: May 23, 2006.

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23 UNITED STATES MAGISTRATE JUDGE